

ELECTION OF MAYOR, COMMISSIONERS AND CITY JUDGE

Title 5

ELECTIONS OF MAYOR, COUNCIL MEMBERS AND CITY JUDGES¹

Ch. I.	In General, §§ 5.1--5.25
Ch. II.	Mayor and City Council §§ 5.26--5.37
Ch. III.	City Judge, §§ 5.38--5.49
Ch. IV.	Election Offenses, §§ 5.50--5.52

CHAPTER I. IN GENERAL

Sec. 5.1. Which wards voters to vote in.

The voters shall vote by ballot, and only in the wards in which they may have resided thirty (30) days next preceding the election. (Acts 1889, Ch. 29, § 2)

Only persons who are residents of the City of Chattanooga shall be eligible to vote in City elections.

(Paragraph 27 of the Amended Plan appended to the Agreed Order, dated 1-18-90, in the case of Brown v. Board of Commissioners, U.S.D.C., No. CIV-1-87-388)

Sec. 5.2. Primary elections-Required.

Candidates to be voted for in all municipal elections at which the mayor and council members and city judges are to be elected under the provisions of this Title shall be nominated by a primary election to be held by the commissioners of election at Hamilton County, Tennessee, of the legally qualified voters of said city at large, and no other names shall be placed upon the official ballot or be voted for at such regular election except those selected in the manner hereinafter prescribed. (Priv. Acts 1911, Ch. 10, § 5; Priv. Acts 1911, Ch. 126, § 2)

¹**Cross references**-City court generally, Title 4; mayor and city council generally, Title 8; recall of elective officers, § 3.18 et seq.; initiative and referendum, § 11.24 et seq.

ELECTION OF MAYOR, COMMISSIONERS AND CITY JUDGE

(Paragraphs 4 and 28 of the Amended Plan appended to the Agreed Order, dated 1-18-90, in the case of Brown v. Board of Commissioners, U.S.D.C., No. CIV-1-87-388 and Ord. No. 9713, § 1, 5-5-92, § 17.28 of Charter)

MAYOR AND COUNCIL ELECTIONS

Sec. 5.3. Same-When held; hours polls open.

Elections for Mayor and City Council members shall be held on the first Tuesday in March, 1993, and every four (4) years thereafter. The Mayor and each City Council member shall be elected by a majority of the votes cast for the office he or she seeks. If no candidate for Mayor or no candidate for one or more City Council seats attains a majority in the March elections, a run-off election shall be held on the second Tuesday in April. The run-off election shall be held between the two candidates in each such contest who received the highest number of votes. Those candidates elected either in the first election in March or in the run-off election in April shall file a bond, take the oath of office and assume their respective duties on the first Monday after the second Tuesday in April following the initial march elections, each to serve until the first Monday after the second Tuesday in April, 1997, or until a successor is elected and qualified. A Mayor and all City Council members shall be elected to four (4) year terms of office in the same manner thereafter.

Said primary election shall be held, as far as possible, at the voting places in the various wards, and the polls shall be opened at 9:00 o'clock a.m. and closed at 7:00 o'clock p.m. (Priv. Acts 1911, Ch. 10, § 5; Priv. Acts 1951, Ch. 327, § 1) (Paragraph 28 of the Amended Plan appended to the Agreed Order, dated 1-18-90, in the case of Brown v. Board of Commissioners, U.S.D.C., No. CIV-1-87-388)

Editor's note-The phrase "the regular election" in the first sentence of § 5.3 has been replaced with the phrase "the second Tuesday in April," as hereinabove set out. Section 5.3 was impliedly amended by Ord. No. 7036, adopted May 11, 1976, set out in this charter compilation as § 5.13.1.

Sec. 5.4. Same-Supplemental registration.

The primary elections herein provided for shall be deemed elections within the meaning of the provisions of the election laws, requiring a supplemental registration preceding each election, so that there shall be such supplemental registration before each primary election and again before each regular election; and registration as now provided by law, shall be a prerequisite to voting in either primary or other elections under this Act. (Priv. Acts 1911, Ch. 10, § 5)

Sec. 5.5. Same-Candidates to file petitions.

Any person desiring to become a candidate for mayor or city council member shall, at least thirty (30) days prior to said primary election, file with said board of election

ELECTION OF MAYOR, COMMISSIONERS AND CITY JUDGE

commissioners and over his own signature a statement of his candidacy; that he has the qualifications prescribed by this Act, and that he requests that his name be printed upon the official primary ballot and at the same time he shall file with said board of election commissioners the petition of at least twenty-five (25) qualified voters of said city requesting such candidacy. Each petition shall be verified by one or more persons as to the qualifications and residence, with street number of each of the persons so signing the said petition. (Priv. Acts 1911, Ch. 10, § 6; Priv. Acts 1911, Ch. 126, § 2; Priv. Acts 1939, Ch. 85, § 1)

(Paragraph 4 of the Amended Plan appended to the Agreed Order, dated 1-18-90, in the case of Brown v. Board of Commissioners, U.S.D.C., No. CIV-1-87-388)

Sec. 5.6. Same-Publication of names of candidates; distribution of ballots, etc.

Upon the expiration of the time of filing the statements and petitions for candidates, the said board of election commissioners shall cause to be published once a week for three (3) consecutive weeks in one or more daily newspapers published in the city the names of the persons that will appear upon the primary ballots for mayor and city council, respectively, and the said board of election commissioners shall thereupon cause the primary ballots to be printed and distributed, the primary held, the vote canvassed, and certified as now required by law in cases of regular municipal elections. (Priv. Acts 1911, Ch. 10, § 7; Priv. Acts 1911, Ch. 126, § 2; Priv. Acts 1915, Ch. 398, § 1; Priv. Acts 1939, Ch. 85, § 2; Priv. Acts 1957, Ch. 73, § 5)

Editor's note-In the opinion of the City Attorney, this section is modified by paragraph 4 of the Amended Plan appended to the Agreed Order, dated 1-18-90, in the case of Brown v. Board of Commissioners, U.S.D.C., No. CIV-1-87-388.

Sec. 5.7. Reserved.

Sec. 5.8. Reserved.

ELECTION OF MAYOR, COMMISSIONERS AND CITY JUDGE

Sec. 5.9. Same-Certification of names of two candidates receiving highest vote for each administrative post.

In each city primary election hereafter held, the board of election commissioners shall certify in writing to the city finance officer the names of the two (2) candidates for each administrative post receiving the largest number of votes therefor, or such candidate, if less than two (2). (Priv. Acts 1957, Ch. 73, § 5; Ord. No. 10742, § 1(1), 8-18-98)

Sec. 5.10. Same-Persons receiving majority vote in primary deemed elected.

In each city primary election hereafter held if any candidate for mayor, city judge or city council member shall receive a majority of the votes cast for all candidates for the office or administrative post for which (a) he was a candidate,(b) he shall be declared elected, and given a certificate of election, and his name shall not be placed on the ballot in the regular election.

If, under the provisions of this section, said primary election shall result in the election of candidates to fill all of the offices to be filled, no further election shall be held, and the term of office of all officers elected as the result of said primary election shall begin at the time it would have begun if they had been elected at the regular or second election provided for in the Charter of the City of Chattanooga. (Priv. Acts 1957, Ch. 73, § 6; Priv. Acts 1959, Ch. 13, § 1)

(Paragraphs 3, 4 and 28 of the Amended Plan appended to the Agreed Order, dated 1-18-90, in the case of Brown v. Board of Commissioners, U.S.D.C., No. CIV-1-87-388)

Sec. 5.11. Same-Inspectors at voting places.

Each of the candidates to be voted for in said primary shall, upon conferring that authority in writing, have, from the opening of the polls until the votes shall have been counted and certified by the primary officers, an inspector at each voting place to watch the primary election. (Priv. Acts 1911, Ch. 10, § 8)

Sec. 5.12. Same-Expense of primary election.

The said board of election commissioners shall also certify to the City of Chattanooga for payment such expense as shall have been properly incurred in holding said primary election, and said amount of expense shall be a charge against said city, and shall be paid by it in like manner as other miscellaneous expenses. (Priv. Acts 1911, Ch. 10, § 7)

ELECTION OF MAYOR, COMMISSIONERS AND CITY JUDGE

Sec. 5.13. Purpose of regular election.

Any regular election hereafter shall be held for the purpose of filling such offices and not otherwise filled as the result of the primary and in accordance with the provisions of section 6 of this act [section 5.10 hereof]. (Priv. Acts 1957, Ch. 73, § 7)

(Paragraph 3 of the Amended Plan appended to the Agreed Order, dated 1-18-90, in the case of Brown v. Board of Commissioners, U.S.D.C., No. CIV-1-87-388)

Sec. 5.13.1. When regular election to be held; beginning of terms.

When under the charter it shall be necessary to conduct a regular election for the purpose of filling such offices (mayor and council) not otherwise filled as a result of the primary election, such regular election shall be held on the second Tuesday in April after the primary election. The terms of office shall continue to begin on the first Monday after the second Tuesday in April. (Ord. No. 7036, § 1, 5-11-76) (Paragraph 3 of the Amended Plan appended to the Agreed Order, dated 1-18-90, in the case of Brown v. Board of Commissioners, U.S.D.C., No. CIV-1-87-388)

Editor's note-Ord. No. 7036, § 1, adopted May 11, 1976, provided that a proposed amendment (Proposal 3) be submitted to the electorate for approval. At a general election held Aug. 5, 1976, said amendment was approved by the voters of the city to be effective 60 days thereafter. As the amendatory legislation was not specifically amendatory of the charter, inclusion herein as § 5.13.1 was at the discretion of the editor.

Sec. 5.14. Candidates on ballot in regular election.

In each regular election hereafter held, the two (2) candidates who received the largest number of votes for mayor and for city council, respectively, in the primary, who received the largest number of votes in the primary shall be the candidates, and the only candidates, whose names shall be placed upon the ballot. (Priv. Acts 1957, Ch. 73, § 7)

(Paragraph 28 of the Amended Plan appended to the Agreed Order, dated 1-18-90, in the case of Brown v. Board of Commissioners, U.S.D.C., No. CIV-1-87-388)

Sec. 5.15. Compensation of commissioners of election.

The City of Chattanooga shall pay the commissioners of election of Hamilton County reasonable compensation for their services in and about municipal elections, the same to be determined and fixed by the city council of said city, but not to exceed one hundred dollars to each commissioner in any one year. (Priv. Acts 1911, Ch. 10, § 26)

Editor's note-In the opinion of the City Attorney, this section is modified by paragraph 4 of the Amended Plan appended to the Agreed Order, dated 1-18-90, in the case of Brown v. Board of Commissioners, U.S.D.C., No. CIV-1-87-388.

Secs. 5.16 -- 5.25. Reserved.

ELECTION OF MAYOR, COMMISSIONERS AND CITY JUDGE

Sec. 5.26. Council to be judge of eligibility and election of members of board.

Said city council shall judge the eligibility and the election of its members. (Priv. Acts 1911, Ch. 10, § 14)

Editor's note-In the opinion of the City Attorney, this section is modified by paragraph 4 of the Amended Plan appended to the Agreed Order, dated 1-18-90, in the case of Brown v. Board of Commissioners, U.S.D.C., No. CIV-1-87-388.

Sec. 5.27. Effect of redistricting on residency requirement.

Any reorganization and adjustment of district boundaries shall not affect any candidate's eligibility for City office in a redistricted area where the candidate has resided in the new district for at least one year. (Ord. No. 9724, § 1(2), 5-19-92)

Secs. 5.28 -- 5.37. Reserved.

ELECTION OF MAYOR, COMMISSIONERS AND CITY JUDGE

CHAPTER III. CITY JUDGE

Sec. 5.38. Term of office.

The term of office for the term of the city judge commencing in April, 1999, shall be until August 31, 2006. Thereafter, the term of office of the city judge of Chattanooga, Tennessee, shall be for a term of eight (8) years and until a successor is elected and qualified. (Priv. Acts 1949, Ch. 192, § 3; Ord. No. 10740; § 1(1), 8-18-98)

Sec. 5.39. Manner of nomination and election.

Candidates to be voted for the office of city judge shall be nominated by a primary election to be held by the commissioners of election at Hamilton County, Tennessee, of the legally qualified voters of said city at large, and no other names shall be placed upon the official ballot or be voted for at such regular election except those selected in the manner hereinafter prescribed.

The primary election for such nomination shall be held on the first Tuesday in May before the August elections. Qualification of candidates, certification of petitioners, and the conduct of the election shall be as set forth in the state's "Election Code."

In each primary election hereafter held, if any candidate for city judge shall receive a majority of the votes cast for all candidates for the office, (s)he shall be declared elected, given a certification of election, and no further election for the office shall be held at the following August general election, and the term of office shall begin at the time it would have begun if the regular August election for city judge had been held.

If no candidate receives a majority of all votes cast at the May primary for the office of city judge, a regular election shall be held for the purpose of filling the office on the following first Thursday of August. In any such regular election hereafter held, the two (2) candidates who receive the largest number of votes for city judge in the primary shall be the candidates, and the only candidates whose names shall be placed upon the ballot. (The term of office shall begin on September 1, after the August election.) (Priv. Acts 1949, Ch. 192, § 4; Priv. Acts 1969, Ch. 102, § 2; Ord. No. 10740, § 1(2), 8-18-98)

Secs. 5.40 – 5.49. Reserved.

ELECTION OF MAYOR, COMMISSIONERS AND CITY JUDGE

CHAPTER IV. ELECTION OFFENSES

Sec. 5.50. Offenses in state elections declared to be offenses in city elections.

Every act or deed, whether of commission or omission, denounced by law as an offense in the case of regular state elections is hereby declared to be a like offense in the case of any primary, regular or removal election held under this Act, and to be punishable in like form and manner. (Priv. Acts 1911, Ch. 10, § 10)

State law reference-Prohibited practices under state election code, T.C.A. § 2-19-101 et seq.

Sec. 5.51. Offering reward, etc., for vote prohibited.

Any candidate for nomination or election under this Act who shall to any person pay, give, or offer to pay or give, directly or indirectly, money or anything of value, or who shall knowingly suffer any person to do so, for the purpose of obtaining the vote or influence of an elector, or of obtaining his vote or influence against an opposing candidate, shall be disqualified as mayor or council member [or city judge], and this section shall be so construed as to prohibit any candidate for nomination or election under this Act from promising to appoint or use his influence for the appointment of any person to a position of income. (Priv. Acts 1911, Ch. 10, § 11)

ELECTION OF MAYOR, COMMISSIONERS AND CITY JUDGE

(Paragraph 4 of the Amended Plan appended to the Agreed Order, dated 1-18-90, in the case of Brown v. Board of Commissioners, U.S.D.C., No. CIV-1-87-388)

Sec. 5.52. Bribery.

Any person who shall agree to perform any services in the interest of any candidate for any office provided in this Act, in consideration of any money or other valuable thing for such services performed in the interest of any candidate, shall be punished by a fine not exceeding three hundred dollars (\$300.00) or be imprisoned in the county jail not exceeding thirty (30) days. (Priv. Acts 1911, Ch. 10, § 12)